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Attorneys for Defendant
GOOGLE INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,

Plaintiff,

v.

GOOGLE INC.,

Defendant.

Case No. 3:10-cv-03561-WHA

**DECLARATION OF ROBERT A. VAN
NEST IN SUPPORT OF GOOGLE'S
MOTION TO CONTINUE THE TRIAL
DATE FROM APRIL 16, 2012 TO APRIL
23, 2012**

Dept.: Courtroom 8, 19th Floor
Judge: Hon. William Alsup

1 I, Robert A. Van Nest, declare as follows:

2 1. I am a partner in the law firm of Kecker & Van Nest LLP, counsel to Google Inc.
3 (“Google”) in the present case. I submit this declaration in support of Google’s Motion to
4 Continue the Trial Date from April 16, 2012 to April 23, 2012. I have knowledge of the facts set
5 forth herein, and if called to testify as a witness thereto could do so competently under oath.

6 2. I am lead trial counsel for Google in this case.

7 3. I am also lead trial counsel for the defendants in *Commonwealth Scientific and*
8 *Industrial Research Organization v. Lenovo (United States) Inc.*, E.D. Tex. No. 6:09-cv-399
9 LED (Hon. Leonard Davis). The trial team in that case includes other professionals from my
10 firm who also are members of the Google trial team in this case: namely, attorneys Christa
11 Anderson and Matthias Kamber, and paralegals Gary Padilla and Raina Magat.

12 4. The jury trial in the *Commonwealth Scientific* case is set to begin immediately
13 following jury selection on April 2, 2012. The trial will take place in Tyler, Texas. The seven
14 defendants in that case have estimated that trial will require ten days.

15 5. I am also lead trial counsel for the plaintiff in *Genentech Inc. v. Trustees of the*
16 *University of Pennsylvania*, N.D. Cal. No. 5:10-cv-02037 LHK (PSG) (Hon. Lucy Koh). On
17 March 14, 2012, Judge Koh issued an order proposing that the start of that trial be moved from
18 June 11, 2012 to June 25, 2012. The parties have until Friday, March 16 to respond to Judge
19 Koh’s proposal.

20 6. I will promptly advise the Court of any changes to the trial schedules in either of
21 the above-referenced cases.

22
23 I declare under penalty of perjury that the foregoing is true and correct and that this
24 declaration was executed at San Francisco, California on March 15, 2012.

25
26 By: /s/ Robert A. Van Nest
27 ROBERT A. VAN NEST
28